



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,728	12/28/2001	Slade Mitchell	260042.450C1	7464
60539 7590 01/22/2007 DARBY & DARBY, PC P.O. BOX 5257 NEW YORK, NY 10150-5257			EXAMINER VU, NGOC K	
			ART UNIT 2623	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/22/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/033,728

Applicant(s)

MITCHELL, SLADE

Examiner

Ngoc K. Vu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 17-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-16 and 35-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed 11/8/06 have been considered but they are not persuasive.

Applicant merely argues that none of the cite references teaches or suggests "wherein the interactive video casting system...on the remote device" as recited in claims 6, 35, and 38. This argument is not persuasive.

The Carr reference teaches a system providing A/V content, e.g., television content, associate with a plurality of channels and ancillary data associated with ancillary data to a plurality of receivers (see abstract and figure 2). Specifically, Carr discloses that special announcements may be transmitted with enhancement data to aid in the association of enhancement data with the tuned channel. Upon receipt of the special announcements, the receiver determines the A/V channel or television channel that the receiver is tuned to and identifies the special announcement associated with the tuned channel. Using information in a special announcement, the receiver can then locate the one or more ATVEF announcements and associate them with the tuned channel. From the retrieved ATVEF announcements, locations of resource files and triggers can then be determined for retrieval and presentation. Carr further discloses that that for each television channel, one or more enhancements may be offered as choice presented to the viewer, who can select which of the enhancement to view. (See col. 5, lines 39-62; col. 4, lines 8-12). That is, Carr's system provides enhancement data associated with multiple TV programs or channel to one or more receivers. Accordingly, Carr's system allows viewer at each receiver to tune to different television channels and determines announcements associated with the tuned channel to locate resources files and trigger for retrieving and displaying. It is noted that the resource files of the enhancement data can be combined with the A/V content for displaying.

Art Unit: 2623

Carr's system also allows the viewer to watch the enhancement data separately from the A/V content if the viewer has a separate TV and personal computer (see col. 10, lines 18-21). Carr does not explicitly teach providing trigger information from receiver to a remote device for storage on the remote device. However, Allport teaches providing trigger information, i.e., web site or a lists of web sites, to a remote device 10 via a base station unit 75 to allow user to browse the web site(s) on the remote device 10 (col. 10, lines 9-11; col. 12, lines 29-38 and figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by providing trigger information, i.e., web site or a lists of web sites, to a remote device to allow user accessing the web site(s) from the remote device as taught by Allport in order to browse the web site(s) on the remote device without affecting or interfering with the primary TV display.

Thus, the limitations "wherein the interactive video casting system...on the remote device" as recited in claims 6, 35, and 38 are met by the combined teachings of Carr and Allport of the record.

Applicant further asserts that the interactive video casting system allows the user to individually designate which television channels or television programs **will have trigger information stored on the remote device**". However, this feature is distinguishable from the claimed feature. That is, the context of the claim requires that interactive video casting system allows the user to individual subscribe to television channels or television programs to indicate for which of the television channels or television programs trigger information will be provided to a remote device for storage on the remote device.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

Art Unit: 2623

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-8, 10, 11, 13, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 7,051,357 B2) in view of Allport (US 6,097,441 A).

Regarding claim 6, Carr teaches an interactive video casting system (see figures 1A-2), comprising:

a headend (12, 14) having a multiplexer (102) to multiplex a plurality of input television signals (via 24) for a corresponding plurality of television channels (see col. 6, lines 36-43), wherein at least some of the television signals are accompanied by supplemental content (i.e., enhancement data) including trigger information associated with respective television channels (see col. 6, lines 43-45; col. 8, lines 14-16);

a trigger processor (106) coupled to the multiplexer (102) to obtain the trigger information from at least some of the television channels (see col. 4, lines 16-19 and col. 6, lines 43-47); and

a storage unit (113) coupled to the headend to store the trigger information obtained by the trigger processor from the television channels (see col. 7, lines 7-9).

Carr's system allows the user to tune to each of the plurality of television channels to indicate trigger information provided to a receiver (16, 17 or 19). That is, Carr teaches the

Art Unit: 2623

system is configured and arranged to allow the user to individually subscribe to each of the plurality of television programs to indicate trigger information. Carr does not explicitly disclose sending the obtained trigger information to a remote device for storage on the remote device. However, Allport teaches providing trigger information, i.e., web site or a lists of web sites, to a remote device 10 via a base station unit 75 to allow user to browse the web site(s) on the remote device 10 (col. 10, lines 9-11; col. 12, lines 29-38 and figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by providing trigger information, i.e., web site or a lists of web sites, to a remote device via a base station unit to allow user accessing the web site(s) from the remote device as taught by Allport in order to browse the web site(s) on the remote device without affecting or interfering with the primary TV display.

Regarding claim 7, Carr further teaches that the system comprises a server (18) coupled to the trigger processor (106) to provide the obtained trigger information from all of the television channels to a client terminal (16, 17 or 19) (see col. 7, lines 7-9 and 20-22 and figure 2).

Regarding claim 8, Carr further teaches that trigger processor is coupled to provide the obtained trigger information to the client terminal (16, 17 or 19), the client terminal being capable to tune a first channel to receive a television signal therein and to tune to a second channel (via non-A/V channel) to receive the obtained trigger information unrelated to the television signal received via the first channel (via A/V channel) (see col. 6, lines 61-64; col. 7, lines 52-61; col. 10, lines 5-21; figure 3B).

Regarding claim 10, Carr further teaches that the trigger processor provides the trigger information to the client terminal via by way of a cable modem connection (via 112) (see col. 7, lines 1-4).

Art Unit: 2623

Regarding claim 11, the combined teaching of Carr and Allport further includes that the headend is coupled to receive an instruction from the remote device (receiving a request from the remote device 10 via base station unit) to obtain and store trigger information from a television program in a particular television channel that is tuned to prior to tuning to another television channel (since providing the trigger information to access to web site related to the program in a particular channel being broadcast) (see Allport: col. 9, lines 36-45 and col. 12, lines 12-34; Carr: figure 2).

Regarding claim 13, the combined teaching of Carr and Allport further includes that the headend receives instruction from the remote device (receiving a request from the remote device 10 via base station unit) to obtain and store trigger information associated with a particular television channel while the client terminal (base station unit) located proximate to the remote device (10) is tuned to a television signal on a different television channel (since providing the trigger information to access to web site related to the program in a particular channel being broadcast) (see Allport: col. 9, lines 36-45; col. 12, lines 12-34; Carr: figure 2).

Regarding claim 35, Carr teaches an interactive video casting system (see figures 1A-2), comprising:

a broadcast center (12, 14) having a multiplexer (102) to multiplex a plurality of input television signals (via 24) for a corresponding plurality of television channels (see col. 6, lines 36-43), wherein at least some of the television signals are accompanied by supplemental content (i.e., enhancement data) including trigger information associated with respective television channels (see col. 6, lines 43-45; col. 8, lines 14-16);

a trigger processor (106) coupled to the multiplexer (102) to obtain the trigger information from at least some of the television channels (see col. 4, lines 16-19 and col. 6, lines 43-47); and

Art Unit: 2623

a storage unit (113) coupled to the headend to store the trigger information obtained by the trigger processor from the television channels (see col. 7, lines 7-9),

wherein a client terminal (16, 17 or 19) for a television for the interactive video casting system is coupled to present supplemental content corresponding to trigger information on the television, wherein the television includes a screen to display supplemental content available from the interactive video casting system (see col. 2, lines 45-48),

wherein the client terminal is capable of being communicatively coupled to the interactive video casting system to receive the trigger information (triggers from the enhancement data) from the interactive video casting system and is coupled to present at least some of the supplemental content on the screen of the television in addition to television signals (A/V contents) from television channels (see col. 8, lines 14-20; see col. 2, lines 45-48),

wherein the interactive video casting system includes a plurality of content sources (A/V content source and enhancement data source) communicatively coupled to a plurality of broadcast centers (within content creator 12), wherein the broadcast centers are coupled to storage mediums to store at least some of the supplemental content to be made available to the client terminal (16, 17 and 19) (see col. 2, lines 27-33).

Carr's system allows the user to tune to each of the plurality of television channels to indicate trigger information provided to a receiver (16, 17 or 19). That is, Carr teaches the system is configured and arranged to allow the user to individually subscribe to each of the plurality of television programs to indicate trigger information. Carr does not explicitly disclose sending the obtained trigger information to a remote device for storage on the remote device. Allport teaches providing trigger information, i.e., web site or a lists of web sites, to a remote device 10 via a base station unit 75 to allow user to browse the web site(s) on the remote device 10 (col. 10, lines 9-11; col. 12, lines 29-38 and figure 2). Therefore, it would have been obvious



Art Unit: 2623

to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by providing trigger information, i.e., web site or a lists of web sites, to a remote device via a base station unit to allow user accessing the web site(s) from the remote device as taught by Allport in order to browse the web site(s) on the remote device without affecting or interfering with the primary TV display.

Regarding claim 36, Carr teaches that the system includes satellite delivery system (see col. 2, lines 39-45).

Regarding claim 37, Carr teaches that the interactive video casting system comprises an interactive television system (since the television system provides ancillary information associated with a plurality of audio/video programs. For example, a viewer may be represented with the option of viewing advertisements, educational information, and so forth, while watching regular television programming. See col. 1, lines 29-54).

4. Claims 9, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 7,051,357 B2) in view of Allport (US 6,097,441 A) further in view of Ullman et al. (US 6,018,768 A).

Regarding claim 9, the combined teaching of Carr and Allport further includes providing the trigger information to the remote device. It is noted that the remote device in Allport's system can connect to an outside data source such as Internet via one of the ports (see col. 15, lines 58-61). Both fails to teach providing trigger information to the remote device by the way of a communication link independent of the client terminal. However, Ullman teaches sending URLs to remote device (PC 16) directly from server to allow user retrieving the web pages associated with television program (see col. 6, lines 60-63; col. 9, lines 4-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the

Art Unit: 2623

system of Carr and Allport by directly sending URLs to remote device from server as taught by Ullman in order to reduce cost.

Regarding claims 12 and 14, Carr and Allport fail to teach providing trigger information based on viewer preferences. However, Ullman teaches sending trigger information or URLs to user based on user profile (see col. 7, lines 12-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Carr and Allport by providing trigger information or URLs based on viewer preferences as taught by Ullman in order to provide information relevant to user's interest.

5. Claims 15, 16 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 7,051,357 B2) in view of Allport (US 6,097,441 A) further in view of Banker et al. (US 5,485,221 A).

Regarding claims 15 and 16, Carr teaches a client terminal coupled to a television (see Carr: col. 2, lines 45-48). The combined system of Carr and Allport fails to teach sending non-programming-related trigger information that is to be provided to the client terminal via an override channel. However, Banker discloses sending data such as stock quote via a scrambler to subscribers (see col. 7, lines 35-43 and figure 1A). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Carr and Allport by sending non-programming-related trigger information, i.e., stock quote, via a scrambler to the client terminal as taught by Banker in order to effectively enhance television services.

Regarding claims 38-42, Carr teaches an interactive video casting system (see figures 1A-2), comprising:

a broadcast center (12, 14) having a multiplexer (102) to multiplex a plurality of input television signals (via 24) for a corresponding plurality of television channels (see col. 6, lines

Art Unit: 2623

36-43), wherein at least some of the television signals are accompanied by supplemental content (i.e., enhancement data) including trigger information associated with respective television channels (see col. 6, lines 43-45; col. 8, lines 14-16);

a trigger processor (106) coupled to the multiplexer (102) to obtain the trigger information from at least some of the television channels (see col. 4, lines 16-19 and col. 6, lines 43-47); and

a storage unit (113) coupled to the headend to store the trigger information obtained by the trigger processor from the television channels (see col. 7, lines 7-9),

wherein a client terminal (16, 17 or 19) for a television for the interactive video casting system is coupled to present supplemental content corresponding to trigger information on the television, wherein the television includes a screen to display supplemental content available from the interactive video casting system (see col. 2, lines 45-48),

wherein the client terminal is capable of being communicatively coupled to the interactive video casting system to receive the trigger information (triggers from the enhancement data) from the interactive video casting system and is coupled to present at least some of the supplemental content on the screen of the television in addition to television signals (A/V contents) from television channels (see col. 8, lines 14-20; see col. 2, lines 45-48),

wherein the interactive video casting system includes a plurality of content sources (A/V content source and enhancement data source) communicatively coupled to a plurality of broadcast centers (within content creator 12), wherein the broadcast centers are coupled to storage mediums to store at least some of the supplemental content to be made available to the client terminal (16, 17 and 19) (see col. 2, lines 27-33).

Carr's system allows the user to tune to each of the plurality of television channels to indicate trigger information provided to a receiver (16, 17 or 19). That is, Carr teaches the

Art Unit: 2623

system is configured and arranged to allow the user to individually subscribe to each of the plurality of television programs to indicate trigger information. Carr further teaches providing the trigger information to the client terminal via cable modem (via 112) (see col. 7, lines 1-4). Carr does not explicitly disclose providing the trigger information to a remote device for storage on the remote device. Allport teaches providing trigger information, i.e., web site or a lists of web sites, to a remote device 10 via a base station unit 75 to allow user to browse the web site(s) on the remote device 10 (col. 10, lines 9-11; col. 12, lines 29-38 and figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by providing trigger information, i.e., web site or a lists of web sites, to a remote device via a base station unit to allow user accessing the web site(s) from the remote device as taught by Allport in order to browse the web site(s) on the remote device without affecting or interfering with the primary TV display.

The system of Carr includes a trigger inserter (within 12) coupled to the multiplexer to provide trigger information (enhancement data) and television content (see col. 2, lines 27-33). The combined system of Carr and Allport fails to teach providing non-programming-related trigger information to the client terminal via an override channel. However, Banker discloses sending data such as stock quote via a scrambler to subscribers (see col. 7, lines 35-43 and figure 1A). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Carr and Allport by sending non-programming-related trigger information, i.e., stock quote, via a scrambler to the client terminal as taught by Banker in order to effectively enhance television services.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2623

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NGOC K. VU  
PRIMARY EXAMINER  
Art Unit 2623

January 18, 2007